



Order Filed on January 10, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-1(b)

HILL WALLACK LLP

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*Attorneys for NewRez LLC d/b/a Shellpoint Mortgage
Servicing as servicer for 1900 Capital Trust II, by U.S.
Bank Trust National Association, not in its individual
capacity but solely as Certificate Trustee*

In Re:

Thomas Patrick Darby

Audrey Marie Darby

Debtors.

Case No.: 19-16285-VFP

Chapter: 13

Hearing Date: November 21, 2019

Judge: Vincent F. Papalia, U.S.B.J.

ORDER RESOLVING MOTION TO VACATE STAY

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: January 10, 2020



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: Thomas Patrick Darby and Audrey Marie Darby

Case No: 19-16285

Caption: Order Resolving Motion to Vacate Stay

Applicant: NewRez LLC d/b/a Shellpoint Mortgage Servicing as servicer for 1900 Capital Trust II, by U.S. Bank Trust National Association, not in its individual capacity but solely as Certificate Trustee ("Secured Creditor")

Applicant's Counsel: Hill Wallack LLP

Debtor's Counsel: Brian Gregory Hannon, Esq.

Property Involved ("Collateral"): 232 Doremus Avenue, Ridgewood, New Jersey 07450

Relief sought:

- ✓ Motion for relief from the automatic stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 6 months, from 06/01/2019 to 12/01/2019.
- The Debtor is overdue for 6 payments at \$3,783.62 per month.
- Less Funds held in debtor(s) suspense \$3,650.00
- Less Funds received since filing of MFR on 10/9/19: \$7,567.27 on 11/29/19
\$2,544.68 on 12/05/19

Total Arrearages Due \$8,939.77.

2. Debtor must cure all post-petition arrearages, as follows:

- Beginning on January 1, 2020, regular monthly mortgage payments shall continue to be made in the amount \$3,783.62 or pursuant to a future Notice of Payment Change.
- Beginning on January 1, 2020, additional monthly cure payments shall be made in the amount of \$1,787.93 for 1 month.
- Beginning on February 1, 2020, additional monthly cure payments shall be made in the amount of \$1,787.96 for 4 months.

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Debtor: Thomas Patrick Darby and Audrey Marie Darby

Case No: 19-16285

Caption: Order Resolving Motion to Vacate Stay

3. Payments to the Secured Creditor shall be made to the following address(es):

- ✓ Immediate payment: NewRez, LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039
- ✓ Regular monthly payment: NewRez, LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039
- ✓ Monthly cure payment: NewRez, LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039

4. In the event of Default:

If the Debtors fail to make the immediate payment specified above timely (with no grace period) or fail to make any regular monthly payment or any additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

5. Award of Attorneys' Fees:

- ✓ The Applicant is awarded attorneys fees of \$350.00, and costs of \$181.00.

The fees and costs are payable through the Chapter 13 plan.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Thomas Patrick Darby
Audrey Marie Darby
Debtors

Case No. 19-16285-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 10, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 12, 2020.

db/jdb Thomas Patrick Darby, Audrey Marie Darby, 232 Doremus Avenue, Ridgewood, NJ 07450-4242

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 12, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 10, 2020 at the address(es) listed below:

Brian Gregory Hannon on behalf of Joint Debtor Audrey Marie Darby bhannon@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com
Brian Gregory Hannon on behalf of Debtor Thomas Patrick Darby bhannon@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com
Elizabeth K. Holdren on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing as servicer for 1900 Capital Trust II, by U.S. Bank Trust National Association, not in its individual capacity but solely as Certificate Trustee eholdren@hillwallack.com, jhanley@hillwallack.com;hwbknj@hillwallack.com
Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor ARCPE 1 LLC rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
Valerie A. Hamilton on behalf of Creditor New Jersey Division of Taxation Valerie.Hamilton@law.njoag.gov

TOTAL: 7